

**ELECTRONICALLY FILED
JANUARY 22, 2007**

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*Counsel for the Official Committee of Equity Security Holders of
USA Capital First Trust Deed Fund, LLC*

UNITED STATES BANKRUPTCY COURT

DISTRICT OF NEVADA

In re:

USA COMMERCIAL MORTGAGE COMPANY

Debtor

) BK-S-06-10725-LBR

) Chapter 11

)

In re:

USA CAPITAL REALTY ADVISORS, LLC,

Debtor

) BK-S-06-10726-LBR

) Chapter 11

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In re:

USA CAPITAL DIVERSIFIED TRUST DEED FUND, LLC,

Debtor

) BK-S-06-10727-LBR

) Chapter 11

)

In re:

USA CAPITAL FIRST TRUST DEED FUND, LLC,

Debtor.

) BK-S-06-10728-LBR

) Chapter 11

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In re:

USA SECURITIES, LLC,

Debtor.

) BK-S-06-10729-LBR

) Chapter 11

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Affects

☒ All Debtors

☐ USA Commercial Mortgage Co.

☐ USA Securities, LLC

☐ USA Capital Realty Advisors, LLC

☐ USA Capital Diversified Trust Deed

☐ USA First Trust Deed Fund, LLC

) DATE: January 24, 2007

) TIME: 3:30 p.m.

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**EX PARTE MOTION FOR LEAVE OF COURT TO FILE BRIEF(S) OPPOSING THE
LENDERS PROTECTION GROUP'S EMERGENCY MOTION FOR STAY PENDING
APPEAL IN EXCESS OF TWENTY (20) PAGES**

1 The Official Committee of Equity Security Holders of USA Capital First Trust Deed
 2 Fund, LLC (the "FTDF Committee") on behalf of itself and the other Official Committees
 3 appointed in the above-captioned bankruptcy cases (the "Official Committees"), and the
 4 Debtors in the above-captioned bankruptcy cases (collectively "Appellees"), hereby files this Ex
 5 Parte Motion for Leave of Court to File a Brief(s) in Opposition to the Lenders Protection
 6 Group's Emergency Motion for Stay Pending Appeal in Excess of Twenty (20) Pages (the
 7 "Motion"), respectfully requesting that this Court allow Appellees to file one or more¹ briefs in
 8 excess of the 20 page limit prescribed by Local Rule 9014(e). This Motion is based upon the
 9 following Points and Authorities, and the pleadings, papers and records on file in this case.
 10

11 DATED this 22nd day of January , 2007.

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 26

27 ¹ While one brief is currently contemplated, different positions may be taken by different Appellees, which may
 28 necessitate additional pleadings.

POINTS AND AUTHORITIES

I. BACKGROUND

As this Court is aware, the USA bankruptcy cases are large and complex cases, including five Debtors, four official committees and numerous and complex issues surrounding the Confirmation Order that is the subject of the Lenders Protection Group's appeal. Moreover, the Lenders Protection Group's Emergency Motion for Stay Pending Appeal (the "Stay Motion") itself raises numerous issues that require a considered response. In order to adequately address all of the issues raised by the Stay Motion without unnecessary and costly duplication of efforts, Appellees seek to file a brief(s) in opposition to the Lenders Protection Group's Emergency Motion for Stay Pending Appeal. In order to do so, it is anticipated that Appellees will need to exceed the 20 page limitation on length. The brief will include an index (table of contents) and table of authorities pursuant to Local Rule 9014(e).

Appellees have no objection to other parties filing oversized briefs, and accordingly, such parties will not be prejudiced by this request.

II. LEGAL ARGUMENT

Local Rule 9014(e) provides in relevant part that:

Unless the court orders otherwise, prehearing and posthearing briefs and points and authorities in support of, or in response to, motions are limited to 20 pages including the motion but excluding exhibits....When the court enters an order permitting a longer brief or points and authorities, the papers must include an index, table of contents, and table of authorities.

III. CONCLUSION

Based on the foregoing, it is respectfully requested that the Court grant the Motion and allow Appellees to file one or more briefs in opposition to the Lenders Protection Group's

1 Emergency Motion for Stay Pending Appeal which exceed the 20 page limit imposed by Local
2 Rule 9014(e).

3 DATED this 22nd day of January, 2007.

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